

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VERACITY GROUP, INC., et al.,

Case No. 1:11-cv-526

Plaintiffs,

Black, J.
Bowman, M.J.

v.

COOPER ATKINS CORP., INC.,

Defendant.

ORDER

At the request of the defense counsel, a telephonic hearing concerning an ongoing discovery dispute was held at 3:00 p.m. on April 8, 2013. Prior to the conference, the parties were invited to transmit by email informal memoranda for the benefit of the Court, not to be filed of record. Michael Scheier and Thomas Hankinson participated on behalf of Plaintiffs; Susan Grogan Faller and Monica Dias participated on behalf of Defendant Cooper Atkins, and Lynda Roesch participated on behalf of Counter Defendant Christopher Hauck. The Court having reviewed the parties' written submissions, and having heard oral argument, **IT IS ORDERED:**

1. The Court declines to compel Christopher Hauck to appear for deposition prior to the court-facilitated settlement conference scheduled for April 30, 2013. Subject to the representations of defense counsel that their roles will be divided between technical software development issues and non-technical questions, Mr. Morriss and Ms. Grogan Faller will be permitted to jointly question Mr. Hauck when he is available in May or early June;

2. The Court declines to compel David Duran to appear for deposition in Cincinnati on April 11 or April 12. The Court anticipates that Plaintiffs will immediately advise Defendants of Mr. Duran's availability in San Diego in April following Mr. Duran's meeting with his new employer on April 9, and that Mr. Duran will be made available prior to the settlement conference. To the extent that Defendant seeks to convene the deposition in Cincinnati and Mr. Duran is willing (or prefers) to travel to Cincinnati, Plaintiffs need not share Mr. Duran's travel expenses.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge